

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

In re PEGASYSTEMS INC. SECURITIES
LITIGATION

) No. 1:22-cv-11220-WGY

)

)

MEMORANDUM OF LAW IN SUPPORT
OF JOINT MOTION TO RESCHEDULE
THE FEBRUARY 12, 2024 HEARING
DATE AND RELATED RELIEF

Pursuant to Local Rule 7.1 of the United States District Court for the District of Massachusetts, the Parties¹ respectfully submit this memorandum of law in support of the Parties' joint motion to reschedule the hearing on Plaintiffs' Motion to Certify This Action as a Class Action and Related Relief (ECF 108) ("Motion for Class Certification"), presently set for February 12, 2024 (ECF 111), and for related relief.

On May 31, 2023, the Parties filed a Stipulation and [Proposed] Case Management Order (ECF 78), setting forth a proposed schedule for this case. On July 24, 2023, the Court adopted the Parties' proposed schedule from May 31, with a modification to the Parties' proposed trial date. ECF 93 (the "Case Management Order").²

On November 9, 2023, for good cause shown, the Parties filed the Stipulation and [Proposed] Order Amending July 24 2023 Case Management Order (ECF 101) (the "Stipulation"). In their submission, the Parties requested that the Court amend the deadlines in the Case Management Order, and explained why the amended deadlines were necessary and supported by good cause. ECF 101 at 1-4. In addition to the good cause set forth in the Stipulation, unforeseen technology issues have arisen and were disclosed to Plaintiffs in the last week. The Parties are currently meeting and conferring concerning the most appropriate way to address these technology issues, which the Parties agree will impact the production of documents.

¹ The "Parties" refers to Lead Plaintiffs Central Pennsylvania Teamsters Pension Fund - Defined Benefit Plan, Central Pennsylvania Teamsters Pension Fund - Retirement Income Plan 1987, and Construction Industry Laborers Pension Fund (collectively, "Plaintiffs") together with defendants Pegasystems Inc. and Alan Trefler (collectively, "Defendants").

² The Parties' May 31, 2023 submission did not include a specific date for the "initial case management conference," and instead left the date to the "Court's discretion." ECF 93 at 1. An initial case management conference has not been held since the Parties' May 31, 2023 submission. The Parties are available for a status conference at the Court's request.

The Court has not issued a ruling on the Stipulation, which includes proposed amended deadlines for briefing on class certification, the completion of fact discovery, and other pre-trial deadlines. *Id.* The existing and proposed amended deadlines for briefing on class certification are as follows:

Event	Case Management Order (ECF 93)	Stipulated Amended Schedule (ECF 101)
<i>Class Certification</i>		
Motion	December 12, 2023	January 12, 2024
Opposition	January 26, 2024	February 28, 2024
Reply	February 23, 2024	March 29, 2024

Plaintiffs have complied with the December 12, 2023 deadline. ECF 108. On December 13, 2023, the Court set the hearing on Plaintiffs' Motion for Class Certification for February 12, 2024, which is 11 days *before* the Case Management Order's deadline for Plaintiffs to file their reply in support of their Motion for Class Certification. *See* ECF 93 at 1; ECF 111. Plaintiffs believe a reply brief would assist the Court's consideration of Plaintiffs' Motion for Class Certification, as well as issues and arguments Defendants may raise in their opposition. Indeed, both the Case Management Order and the Stipulation contemplate that Plaintiffs will file a reply following Defendants' opposition.

The Stipulation also requested that the Court permit each side to take up to 20 fact depositions without seeking further leave of Court. ECF 101 at 5. Setting the maximum number of depositions facilitates discovery by helping the litigants assess and choose which witnesses to depose.

Accordingly, the Parties respectfully request that the Court vacate the February 12, 2024 hearing date, enter the Stipulation (ECF 101), grant their request to take up to 20 fact depositions per side without seeking further leave of Court (ECF 101), and reschedule the hearing on Plaintiffs'

Motion for Class Certification so that it occurs after the March 29, 2024 reply date set forth in the Stipulation.

DATED: December 20, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 20, 2023.

s/ Debra J. Wyman

DEBRA J. WYMAN